

JOINT RESOLUTION

A JOINT RESOLUTION OF THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD AND THE EL PASO CITY COUNCIL AUTHORIZING THE TRANSFER OF APPROXIMATELY 1,042.14 ACRES OF LAND IN NORTHEAST EL PASO, TEXAS FROM THE CONTROL AND JURISDICTION OF THE PSB TO THE CITY OF EL PASO FOR ECONOMIC DEVELOPMENT OPPORTUNITIES.

WHEREAS, the El Paso Water Utilities Public Service Board, Trustees (PSB) has the jurisdiction and control of approximately 1,042.12 acres of land, more particularly described hereinbelow; and,

WHEREAS, the City of El Paso (City) has requested the PSB transfer control and jurisdiction of the identified property to the City's real property inventory to provide an opportunity for the development of a large manufacturing facility; and,

WHEREAS, the PSB has agreed to this initiative which will allow the City to compete and be in an advantageous situation to accommodate potential manufacturing growth and development in the southwest region; and,

WHEREAS, the PSB hereby determines and finds that the identified parcel of land is inexpedient to the water and wastewater system as defined by Ordinance No. 752 and may be transferred and conveyed to the jurisdiction and control of the City for economic development opportunities; and,

WHEREAS, the City has agreed to pay an amount to the PSB for the land transfer which amount will be the original cost of the land to the PSB, plus interest at three per cent per annum, plus any specific cost which has been incurred by the PSB in improving the property; and

WHEREAS, should the identified land have not been sold or leased by the City or if any planning, design or construction needed to provide water and sewer service, drainage, road or other infrastructure structure needed to prepare the identified land for development has not begun within five years of the date of the final approval of this Joint Resolution, and, if, after five years from the date of the final approval of this Joint Resolution, the PSB should determine and advise the City that the identified land is then needed for the water and wastewater system, City shall transfer the identified land to the PSB's real property inventory upon the PSB's payment to the City of the amount of money paid by the City to the PSB for the identified land.

NOW, THEREFORE, BE IT RESOLVED BY THE PUBLIC SERVICE BOARD OF THE CITY OF EL PASO, TEXAS AND THE CITY OF EL PASO, TEXAS:

Section 1. That the findings and recitations set out in the preamble to this Joint Resolution are true and correct and are hereby adopted by the Public Service Board (PSB) and the City of El Paso (City); and are made a part of this Joint Resolution for all purposes.

Section 2. The PSB has the jurisdiction and control of that certain parcel of land consisting of 1,042.12 acres of land, more particularly described as:

1042.0157 acres, more or less, being a portion of Tract 3, Section 3 and Tract 1, Section 4, Block 80, Township 1, Texas and Pacific Railroad Surveys, El Paso, El Paso County, Texas, and being more particularly described in Exhibit "A" which is attached hereto and made a part hereof for all purposes.

Section 3. The City has requested the PSB transfer control and jurisdiction of the hereinabove describe parcel of land to the City to provide an opportunity for the development of a large manufacturing facility.

Section 4. The PSB finds that the parcel of land the subject of this Joint Resolution is inexpedient to the water and wastewater system as defined by Ordinance No. 752. The PSB hereby transfers and conveys the control and jurisdiction of the parcel of land the subject of this Joint Resolution to the City. The PSB shall retain the water rights, if any, for this parcel.

Section 5. The City shall pay an amount to the PSB for the land transfer which amount which will be the original cost of the land to the PSB, plus interest at three per cent per annum, plus any specific cost which has been incurred by the PSB in improving the land.

Section 6. Both the PSB and the City agree that nothing in this resolution will obligate the PSB to provide and pay for the planning, design and construction costs for water and sewer service, drainage, road or other infrastructure structures necessary to prepare the identified land for development, unless impact fees are collected in connection with the development of the land in which case applicable ordinances and regulations will govern.

Section 7. Anytime after the expiration of five (5) years from the date of final approval of this Joint Resolution, if the identified land has not been developed, sold or leased by the City for an economic development project, or if any planning, design or construction needed to provide water and sewer service, drainage, road or other infrastructure structures needed to prepare the identified land for development has not begun and, if the PSB should determine that the identified land is then needed for the water and wastewater system, the City shall transfer the identified land to the PSB's real property inventory upon receipt of: written notice that the land is needed by PSB; payment in full to the City of an amount equal to that paid by the City to the PSB for the identified land; and the amount necessary to reimburse the City for any infrastructure or improvements constructed by the City to serve the land.

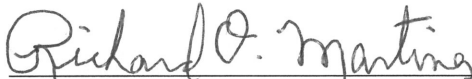
Section 8. The PSB hereby directs that an original of this Joint Resolution be forwarded to the City Clerk of the City of El Paso for presentment to the City Council for its action.

(Signatures on the following page)

PASSED AND APPROVED at the regular meeting of the Public Service Board of the City of El Paso, Texas, this 26th day of August, 2009 at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A. Government Code, Sections 551.001, et. seq.

**EL PASO WATER UTILITIES
PUBLIC SERVICE BOARD**

ATTEST:


Richard O. Martinez, Secretary-Treasurer


Ruben E. Guerra, Chair

APPROVED AS TO FORM:


Robert D. Andron
General Counsel, PSB

PASSED AND APPROVED at the regular meeting of the City Council of the City of El Paso, Texas, this _____ day of _____, 2009 at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A. Government Code, Section 551.001, et. seq.

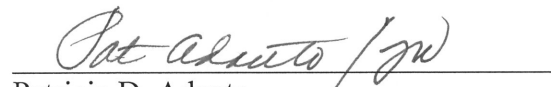
CITY OF EL PASO, TEXAS

ATTEST:

Richarda D. Momsen, City Clerk

John F. Cook, Mayor


APPROVED AS TO CONTENT:


Patricia D. Adauto
Deputy City Manager
Development & Infrastructure

APPROVED AS TO CONTENT:

Kathryn B. Dodson
Economic Development Director

APPROVED AS TO FORM:


Sylvia Firth
Assistant City Attorney